

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:
All Actions

**STATEMENT INSTEAD OF
REDACTED DOCUMENTS**

I certify that Defendants have filed a Memorandum in Opposition to Plaintiffs' Motion for *In Camera* Review, along with the supporting Declaration of Benjamin W. Hulse with Exhibits A-L, the supporting Declaration of Amy E. Lievers with Exhibit A, and the supporting Declaration of Dale Fresch.

The following Declaration Exhibits (Exhibits A, B, G, H, I, and J to the Hulse Declaration, and Exhibit 1 to the Lievers Declaration) have been marked "Confidential" under the Protective Order or pursuant to other appropriate legal authority, and redaction is impracticable.

1. Exhibit A to the Hulse Declaration is the list of Defendants' privilege log entries included on Exhibit 1 to the Declaration of Genevieve M. Zimmerman (ECF No. 537, 569), with the addition of responses and comments from Defendants. This document is designated as "Confidential" by Defendants pursuant to the Protective Order.

2. Exhibit B to the Hulse Declaration is the list of Defendants' privilege log entries included on Exhibit 2 to the Declaration of Genevieve M. Zimmerman (ECF No.

537, 569), with the addition of responses and comments from Defendants. This document is designated as “Confidential” by Defendants pursuant to the Protective Order.

3. Exhibit G to the Hulse Declaration is a copy of excerpts from the Research & Design Testing Log of Arizant’s corporate predecessor, Augustine Medical, Inc., listing forced-air-warming-related tests. This document was designated as “Confidential” by Defendants pursuant to the Protective Order.

4. Exhibit H to the Hulse Declaration is a copy of a sealed order issued in the matter of *Johnson v. 3M Company*, Case No. 14-cv-2044-KHV-TJJ (D. Kan. Nov. 12, 2015). This document was sealed by the issuing court.

5. Exhibit I to the Hulse Declaration is a copy of excerpts from a telephonic hearing transcript in the matter of *Walton v. 3M Company*, No. H-13-CR-1164 (S.D. Tex. Dec. 22, 2015). This transcript was later ordered sealed by the *Walton* court.

6. Exhibit J to the Hulse Declaration is a copy of correspondence and discovery served upon Defendants by Plaintiffs in *Walton v. 3M Co.*, Civil Action No. 4:13-cv-01164. This document is designated as “Confidential” because it relates to matters sealed by the *Walton* court.

7. Exhibit 1 to the Lievers Declaration is a copy of SOP-PKG-05-000004, effective from 12/17/2008 through the present, pertaining to review of marketing and promotional materials. These documents are designated as “Confidential” by Defendants pursuant to the Protective Order.

8. The Declaration of Dale Fresch is designated as “Confidential” pursuant to the Protective Order.

Dated: July 10, 2017

Respectfully submitted,

/s/ Benjamin W. Hulse

Benjamin W. Hulse (MN #0390952)

BLACKWELL BURKE P.A.

431 South Seventh Street

Suite 2500

Minneapolis, MN 55415

Phone: (612) 343-3256

Fax: (612) 343-3205

Email: bhulse@blackwellburke.com

**COUNSEL FOR DEFENDANTS
3M COMPANY AND
ARIZANT HEALTHCARE, INC.**